

*Bayley v. Adams*, 6 Ves. 594. (g) A plea demands the judgment of the Court in the first instance, whether the special matter urged

(g) *BISSETT v. BISSETT*.—This bill, filed on the 3d of January, 1761, sets forth, that the plaintiff Ann Bissett, as devisee of her first husband, was seised in fee of a certain tract of land in Baltimore County: that she married David Bissett, her second husband, who by repeated beatings, threats, and much ill usage, induced her to convey her lands to a certain John Matthews, and afterwards, for greater security, to a certain Robert Stokes, for the purpose of being conveyed to and vested in her said husband David Bissett, which they did accordingly; that David Bissett is dead; and that her acknowledgments of the said deeds upon what purports to be her private examination, was fraudulently obtained by force, &c. Upon which she prayed, that the deeds might be set aside; and that the land might be re-conveyed to her, &c.

The defendant, who, it appears, was an attorney-at-law, and the brother and heir-at-law of David Bissett, deceased, appeared in proper person at September Term, 1761, and filed the following plea and answer.

The plea and answer of James Bissett, of Baltimore County, attorney-at-law, to the bill of complaint of Ann Bissett complainant.

The defendant by protestation, not confessing or acknowledging all, or any of the matters and things in the complainant's said bill of complaint contained to be true, in such manner and form as the same are therein alleged and set forth, except in so far as after admitted and acknowledged in the particular answer inserted; as to so much of the said bill of complaint as prays relief, in this Honorable Court, against the several deeds for conveying the lands in said bill of complaint, and after recited as fraudulently, or unfairly obtained, executed and acknowledged; and extorted by duress without any consideration paid, or if paid, immediately returned. This defendant pleads thereto, and for plea saith: that David Bissett, deceased, and the said Ann Bissett, the complainant, his wife, by their deed of lease, executed by them and dated the fourteenth day of June, A. D. seventeen hundred and fifty-five, for the consideration of five shillings sterling, paid them, did grant, bargain and sell to John Matthews, of Baltimore County, gent. all the several tracts or parcels of land some time in the possession of John Atkinson, deceased, first husband to the said complainant; and which, by his last will and testament, duly proved and recorded, he devised to the said Ann Bissett, the complainant, in fee, situate, lying and being in Baltimore County, on or near Bush River and Romney Creek, and called severally by the following names, viz: Broad Neck, Clement, and Clement's Den; and by a resurvey thereon made by the said John Atkinson, in his life-time, collectively called, Atkinson's Purchase, also Dogwood Ridge, Parker's Folly, Parker's Choice, The Marsh, and ten acres of Natty's Island, which had been lately resurveyed, in the name of the said Ann, the complainant, and collectively called by the name of Rumney Marsh, containing eleven hundred and eighty-four acres of land, less or more, and the reversion and reversions, remainder and remainders; issues and profits of the same; to have and to hold the said tracts or parcels of land unto the said John Matthews, his executors, administrators and assigns, from the day next before the date of the said lease for one whole year ensuing, yielding and paying therefor, to the said David Bissett and Ann his wife, the complainant, the rent of one ear of Indian corn, at the end of the said term, if demanded; to the intent, that by virtue of the said lease, and the statute for transferring uses into possession, the said John Matthews might be in the actual possession, and